

# Contracting for Professional Services

in Washington State



# Contracting for Professional Services in Washington State



*Prepared by the*

**Municipal Research & Services Center of Washington**

*In conjunction with the*

**City Engineers Association**

**Architects & Engineers Legislative Council**

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# Foreword



Contracting for engineering, architectural, legal, accounting, or other professional services, is a common and necessary function of municipal government. This publication is intended to provide guidance for the development of a uniformly consistent and documented professional services selection procedure.

The suggested procedures apply to normal or routine situations in which a city needs to contract for professional services which are not available in house. There may be special situations where these procedures must be varied to expedite needed assistance.

Throughout this document reference is made to “city,” but this material may be applied to any municipal corporation in Washington State.

The Municipal Research & Services Center is pleased that members of the Washington State Chapter of the American Public Works Association, members of the City Engineers Association, and members of the Architects & Engineers Legislative Council participated in the preparation of this publication. These individuals contributed hours of effort to make this document readable and workable.

Special acknowledgment is given to Roy H. Peterson, P.E., Public Works Consultant, who prepared this document, and to MRSC’s legal staff for their review and other contributions. A special thanks to Holly Martin, Word Processing Specialist, for her work on format design and copy preparation.

A handwritten signature in black ink, reading "Richard Yukubousky". The signature is fluid and cursive, with a prominent loop at the end.

Richard Yukubousky, Executive Director  
Municipal Research & Services Center  
of Washington

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# Introduction



This publication is intended to provide municipal government with guidance and suggested format for the development of a uniformly consistent and documented procedure for contracting of professional services.

The State of Washington has established a uniform policy for the procurement of architectural, engineering and land surveying services for all state, county and municipal governments. The procurement policy is specified in Ch. 39.80 RCW.

The basic steps in the contracting process are namely:

- Determination of services desired
- Advertisement of services desired
- Evaluation of qualifications submitted
- Selection of most qualified firm or individual
- Negotiation with the most qualified firm or individual
- Contract execution

The above basic steps should be considered a guide for the selection of all professional services, whether or not required by the state statutes.

Because the selection of the most qualified professional is based upon the subjective evaluation by the city, it should be approached with adequate guidelines for all to understand. The selection procedure should be what the city feels will determine the most qualified professional in the city's opinion.

Whatever the reason for seeking professional services, the city is faced with two basic tasks:

1. Identifying and selecting the professional best qualified to meet the city's needs; and
2. Ensuring that the selected professional understands and provides for the city's needs in the most cost-effective manner.

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# Professional Services Under Chapter 39.80 RCW



In general, the following professional services should be procured under the provisions of Ch. 39.80 RCW:

- Architectural design
- Engineering study and design
- Land surveying
- Landscape architecture
- Structural design

RCW 39.80.020 (5) provides:

“Architectural and engineering services” or “professional services” means professional services rendered by any person, other than an employee of the agency, contracting to perform activities within the scope of the general definition of professional practice in RCW chapters 18.08, 18.43, or 18.96.

Chapter 18.08 RCW defines the professional practice of architecture. Chapter 18.43 RCW defines the professional practice of engineering and land surveying. Chapter 18.96 RCW defines the professional practice of landscape architecture.

As a guideline for the application of the provisions of Ch. 39.80 RCW, any service that would be provided by one of the above listed professionals, in their capacity as a registered architect, engineer, or land surveyor, should be procured under the provisions of Ch. 39.80 RCW. These additional professional services might include geotechnical, environmental, aerial photography, and GIS mapping services provided by registered professionals.

## ■ Why Chapter 39.80 RCW Exists

For most municipal construction, the lowest priced design of a project may not be the best for the municipality. By determining the most qualified firm or individual to provide a professional report or design the municipality is more likely to receive the most cost-effective project.

The professional’s plans and specifications should specifically describe the project and closely define how the project is to be constructed. The most qualified firm or individual should produce the best set of plans and specifications. Since the project is well defined, the competitive bidding process is likely to result in the best construction for the lowest possible price.

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Recognizing that design costs are only a small fraction of the overall project cost, the best design usually provides the best project for the monies expended.

The facility owner, the City, generally pays for costs arising from defective or incomplete design. When the City provides the design to the contractor, then the design's adequacy is implicitly guaranteed. The contractor is not expected to prove fault or negligence in the design to establish the City's liability for defective design.

The design consultant's liability to the City for design defects is not as clear as the City's liability to the contractor for the same defects. In order for the consultant's liability to be established, the City must demonstrate that the consultant failed to exercise reasonable judgement and professional skill.

Reliance upon price may not be substituted for the exercise of judgement in selecting the provider of needed architectural, engineering, or land surveying services.



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## Other Professional Services



Not all professional services available to cities and towns are governed by Ch. 39.80 RCW. For example, professional services offered by attorneys, computer programmers, financial analysts, bond counsels, accountants, etc. may be procured by direct negotiation with a selected firm or individual.

All cities may negotiate for professional services other than those covered by Ch. 39.80 RCW.

What constitutes a profession? A profession has been defined in Black's Law Dictionary, Revised 4th Ed., p. 1375, as follows:

A vocation, calling, occupation or employment involving labor, skill, education, special knowledge and compensation or profit, but the labor and skill involved is predominately mental or intellectual, rather than physical or manual.

In addition to the well-established professions such as law, medicine, theology, architecture, and engineering, the term “professional” has come to include a much wider variety of skills and occupations.

Professional services for which cities may negotiate services include:

- Accountants
- Artists
- Attorneys
- Bond Brokers
- Computer Programmers/Consultants
- Insurance Brokers
- Economists
- Financial Analysts
- Planners
- Real Estate Appraisers
- Codification of Municipal Ordinances

However, to select the best qualified firm to provide required professional services, the procedures for architectural and engineering services are a good guide to follow in procuring all professional services.

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# The Selection Procedure



## ■ Why Follow These Procedures?

Occasionally the selection of a professional service is left to the whim or “gut feeling” of someone who may not understand the full extent of services desired, or the qualifications of the candidates to provide those services. The “nice fellow that was wearing the gray suit with the red tie” might not be the best qualified.

Similarly, the other consultants who prepared and presented their qualifications may not feel that selecting the “nice fellow wearing the gray suit with the red tie” was the proper procedure for the city to have followed.

Because the selection of the most qualified professional is based upon the subjective judgement of the city, both the consultants and the city benefit when a planned and documented selection procedure is followed.

Certainly, not all of the procedures suggested herein may be needed for selecting all professional services, but the steps involved should be considered in the implementation of the selection process.

The purpose of these procedures is:

1. To obtain the best professional services at a reasonable cost;
2. To establish an open, documented procedure for selection of professional services;
3. To avoid potential conflicts of interest, or the appearance of favoritism in the selection;
4. To permit all qualified professionals to have an opportunity to be considered.

## ■ Determination of Services Desired

Before the city solicits consulting services, it is necessary that clear and specific answers be developed for the following questions:

- What needs to be done?
- Why does it need to be done?
- Why should a professional service provider do it?
- What level of effort will be required to do it?

- 
- What qualifications and resources are required to do it?
  - Is funding available for this service and for the resulting project?

If these questions are not answered before the professional is retained, the professional's experience and services may not be used most efficiently.

In some cases the answers to these questions are easily made. For example, if the city has made the decision to extend the sanitary sewer system by building a new interceptor line and pump station, and the city has no experienced design staff, the need for a professional design consultant with experience in sanitary sewer and pump station design is clear.

In other instances, the answers may not be easily developed. For example, if the wastewater treatment plant is not in compliance with effluent standards, does the city need a design consultant, a process consultant, or an operations consultant? Must the consultant identify and solve the problem, or is the problem already identified?

After the answers to the above questions are written down, management then needs to answer the following questions:

- Is this an actual immediate need?
- Is it compatible with ongoing projects?
- Is it sufficiently detailed?
- What can city staff provide?
- Is funding available for the professional services?
- Is funding available for the resulting project?

To avoid responses from unqualified professionals, the determination of services required should include:

1. A specific description of the proposed project, and the specific degree of services to be provided:
  - a. Preliminary studies and recommendations
  - b. Design services
  - c. Construction supervision/management
  - d. Peer review
2. Time frame to perform required work.
3. The minimum qualifications required:
  - a. Experience of the organization
  - b. Experience of each professional who would participate
  - c. References
  - d. Availability of the organization to meet established time frame.

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## ■ Advertisement for Services Desired--The Request For Qualifications (RFQ)

RCW 39.80.030 provides that:

Each agency shall publish in advance that agency's requirements for professional services. The announcement shall state concisely the general scope and nature of the project or work for which the services are required and the address of a representative of the agency who may provide further details. An agency may comply with this section by:

- (1) Publishing an announcement on each occasion when professional services provided by a consultant are required by the agency; or
- (2) Announcing generally to the public its projected requirements for any category or type of professional services.

For major projects, most cities choose to publish a separate Request For Qualifications (RFQ) that specifically describes the services to be provided and the qualifications needed.

The second option, often used, is the publication of an annual general Request For Qualifications for those routine design services anticipated to be needed in the coming months. The statute does not require an annual publication of anticipated projects, but usual practice dictates that receiving qualifications from professionals at least annually assures the city that it is aware of all available professional services, in order to select the most qualified for each particular service.

## ■ Publication

The Request For Qualifications (RFQ) and its publication is intended to reach those potentially interested consultants that can provide the services desired, and within the established time frame. For instance, a small local project would probably not need to be published in a major newspaper with a statewide circulation. In fact, practice indicates that most projects might appropriately be published in the local newspaper. However, the previous example of a wastewater treatment plant problem might require very specific experience, and its advertisement might be published in a larger circulation newspaper, or even in national trade magazines.

## ■ Format of the Request for Qualifications

Whether the RFQ is for a specific project or for a "category or type" of professional service, the basic format should include the following items:

- Project title
- Project description
- Scope of services desired

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- Submission deadline
  - Agency representative
  - Format of response
  - Criteria for selection
  - Number of copies desired

Examples of advertisements for the Request For Qualifications (RFQs) are in Appendix A.

## ■ Additional Information to the RFQ

Often a city will prepare an additional detailed project summary that is mentioned in the RFQ and made available to interested consultants. The project summary supplements the information in the RFQ to assist the interested consultants in understanding the desires of the city. It might include the following information:

- Transmittal letter
- Reason for project
- Scope of services being requested
- Estimated budget or cost of project
- Instructions for submittal of qualifications
  - Format of response
  - Number of copies of response
  - Deadline for response
- Criteria to be used to evaluate submittals
- Special contract provisions
- Name and telephone number of city contact person

Note that the city contact person only provides the information already available. No additional information or data is to be provided to only one or a few interested professionals.

If additional information is provided to those responding to the RFQ, and later further information is deemed to be necessary, it must be issued to all interested professionals before the deadline for submittal of qualifications. This might be issued in the form of a registered/return receipt mailing to all who responded to the advertised RFQ.

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## ■ Format of Response

In order to simplify the evaluation of responses received, it is a common practice to limit the responses to a specific number of pages, say for example 20.

A suggested format might include the following items:

1. A letter of interest signed by a principal of the professional firm with a statement as to the availability of the firm to complete the work within the stated time period, the firm's insurance coverage, and a statement of its financial stability (limited to 3 pages);
2. A demonstration of the firm's understanding of the project through an outline of their suggested approach to the project (limited to 10 pages);
3. Evidence of the firm's ability to perform the work (limited to three pages);
4. Experience of the staff who would be assigned to the project (limited to two pages);
5. Reference, including names and telephone numbers of previous clients with similar projects (limited to two pages).

Although not frequently used at this time, another practice is to limit the submittal to Federal Standard Form SF 254 "Architect-Engineer and Related Services Questionnaire," and SF 255 "Architect-Engineer and Related Services Questionnaire for Specific Project." Many find it difficult to properly evaluate the qualifications of the different professionals when these standard forms are submitted.

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# Evaluation of Qualifications Submitted



The responses received to the advertisement are reviewed and the number narrowed to a manageable number of interviews, say three finalists. A major project might include a list of five or six finalists, while a smaller local project of lesser difficulty might have a list of two or three finalists.

The list of finalists for interview should include only consultants which the city feels are qualified and which the city would be prepared to retain.

## ■ Evaluation

### *Evaluation Committee*

One satisfactory procedure is to utilize an evaluation committee of three or five individuals, one or two of whom are technically familiar with the project. The other members of the committee should be generally familiar with the project requirements.

The final selection is usually made by the City Council, unless that duty has been delegated to the department or division director, based upon the evaluation committees recommendation.

### *Evaluation Criteria*

To assist the evaluation committee, and to insure a proper evaluation of the submittals, an evaluation criteria should be developed before receipt of submittals. Often, the evaluation criteria is made a part of the advertisement for services, so the respondents may direct their responses to the weighted criteria.

A sample evaluation criteria might be as follows:

<u>Criteria</u>	<u>Points</u>
Previous experience in the service required	0-25
Expertise of key personnel	0-25
Suggested project approach (understanding of project)	0-20
Response of references	0-10
Ability to meet time schedule	0-10
Previous experience on city projects	0-10
<b>Maximum Points</b>	<b>100</b>

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The evaluation criteria should be specifically developed for each project based upon size, complexity, time frame, etc. A specifically designed selection criteria makes it easier for the consultants to submit the desired information, makes it easier for the evaluation committee to perform its task, and reduces the possible problems of challenges to the selection process through careful evaluation and documentation of the procedure.

It must be noted that smaller, or simple projects, might require only a short evaluation, such as:

<u>Criteria</u>	<u>Fair</u>	<u>Good</u>	<u>Best</u>
Previous experience			
Experience of key personnel			
Previous experience on city projects			

It is to the advantage of both the city and the consultants to advise the interested consultants of the weighted selection criteria to be used by the city.

### ***Selection Procedure***

In the advertisement, the number of copies of the submittal should be specified, usually one more copy than the size of the evaluation committee.

Distribute one set of all submittals to the evaluation committee and give them time off from their normal duties to study the submittals. Good evaluations cannot be completed if there is insufficient time. Set a deadline for return of the completed written evaluations of each submittal. Each committee member should individually evaluate each submittal based upon the prescribed criteria and submit a written score for each submittal. The committee should meet and review their scores for each submittal and develop a list of finalists for submittal to the department or division manager.

### ***Notification of Finalists***

Before making a final selection, know the principals of the professional firm and know and be comfortable with the personnel they intend to use on your project!

The top three to five finalists should be notified of their selection and their scheduled interview.

Those not selected should also be notified. In this notification, set a prescribed time when they might critique their submittal with the city's decision maker. This scheduled critique, if requested, is when the selection criteria score can be reviewed for the benefit of those not selected. A set criteria also assures that the selection was made on a sound basis without any presumed bias.

The notification of the finalists should indicate a scheduled interview procedure.

Most interviews follow a procedure similar to the following example:

1. Time and Place for Interview



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## 2. Interview Procedure

- a. General introduction by consultant (limited to five minutes).
- b. Project approach by consultant's project manager (limited to 25 minutes).
- c. Often the city might provide specific questions that all the finalists are to respond to (limited to 15 minutes).
- d. Questions by selection committee (limited to 15 minutes).

The suggested time periods used in the above example are typical for most presentations, but can be varied based upon the project involved. Very large and complex projects require considerably more presentation time.

The city should either provide each consultant with the following suggested questions to respond to, or ask these questions during the oral interview if they have not been responded to in the consultants presentation:

1. What organization structure do you propose to successfully organize your staff and to complete this project?
2. Please have your proposed project manager explain to the committee your firms approach to this project.
3. How long do you anticipate it will take to complete this scope of services.
4. How does your firm coordinate the staff commitments for this and your other projects?
5. Where will the work be performed?
6. Do you plan scheduled project status meetings with city staff? - If so, how often?
7. What services do you propose to subcontract to others?
8. Who will be the major subcontractors?
9. Have you previously worked with these subcontractors?
10. Explain how you will meet the minority requirements of our City? (*Optional*)

The interview schedule should permit the evaluation committee time after each presentation to record their thoughts and evaluation while fresh in their minds. Usually allow at least 20 to 30 minutes after each interview for the committee to complete their records. It is advisable to limit the interviews to no more than five in a day.

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## ■ Selection of Finalist

### *Finalist Selection Committee*

The finalist selection committee could be the same evaluation committee previously used, or a new committee composed of other qualified individuals. Again, this committee should be composed of three or five individuals, at least one or two of whom are technically familiar with the project being considered.

### *Finalist Rating Criteria*

This committee should utilize a review criteria rating form, as was previously done. However, the rating criteria might be modified to reflect more closely the desires of the city, after reviewing the initial submittals.

Often, the experience and bearing of the actual individuals that will be working on the project and relating to the city staff has a stronger bearing on the project implementation, than the experience of the organization being considered. Since the finalists are all qualified firms, any one of which the city would be satisfied with, the importance of the individuals is stronger in this final evaluation.

An example of the revised rating criteria, might be as follows:

<u>Criteria</u>	<u>Points</u>
Previous experience in the service required	0-10
Expertise of key personnel to be used on project	0-40
Suggested project approach (understanding of project)	0-20
Response to committee questions after presentation	0-10
Ability to meet time schedule	0-10
Previous experience on city projects	0-10
<b>Maximum Points</b>	<b>100</b>

Additional examples of interview rating forms are in Appendix B.

### *Interview*

It is important to provide adequate space for the interview. Set aside a room with adequate space for the committee and the finalists to make their presentation and to respond to the committee questions.

Schedule adequate time for the interviews and allow time between interviews for the committee to make their notes.

In procuring services for some projects, the selection process may include visits to each of the candidates's offices to view their equipment and in-house procedures.

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The selection committee may wish to ask additional questions after the presentation by the consultants. For example, the committee might ask:

- Current work load of the professional firm?
- Time commitment of firm's principals?
- Receipt of any design awards?
- Has the design team previously worked together? On what projects?
- Recent change order experience of the firm?
- Recent bidding experience? Bids above or below designers estimate?
- What is their preferred method of compensation?
- Affirmative Action Plan? (If applicable)

### ***Selection of the Most Highly Qualified Firm***

Upon conclusion of the last interview, the committee should convene to review their notes and criteria points. The candidate with the highest rating should be “deemed to be the most highly qualified” and selected for negotiation of a contract. The other candidates should be so advised.

Because competition is usually keen, it is important to retain evaluation sheets, notes, and other documents, in a safe secure place, to support the ranking procedure and selection, until the final contract has been executed and the project commenced.

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# Negotiation



When a public agency selects a firm to perform architectural or engineering services, price and cost may be considered only after the most qualified firm has been selected, at which time the law provides for negotiation of a "fair and reasonable price." (Washington Attorney General Opinion No. 4, 1988.)

RCW 39.80.050 (1) provides:

The agency shall negotiate a contract with the most qualified firm for architectural and engineering services at a price which the agency determines is fair and reasonable to the agency. In making its determination, the agency shall take into account the scope, complexity, and professional nature thereof.

RCW 39.80.050 (2) adds:

If the agency is unable to negotiate a satisfactory contract with the firm selected at a price the agency determines to be fair and reasonable, negotiations with that firm shall be formally terminated and the agency shall select other firms in accordance with RCW 39.80.040 and continue in accordance with this section until an agreement is reached or the process is terminated.

## ■ Scope of Services

The city and the selected professional further define the scope of services to be performed. The city may have benefited from the presentations of the other candidates in defining the scope of services desired. The selected professional firm, based upon its experience on similar projects adds to the scope of services. Once the scope of services is well defined, negotiation begins to determine a fair and reasonable price.

## ■ Compensation

There are several methods used to compensate professional firms for their services.

Some of these methods are as follows:

- Salary Cost Times a Multiplier Plus Direct Non-salary Expenses
- Per Diem

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- Cost Plus Fixed Fee
  - Lump Sum
  - Percentage of Construction Cost

The methods or combination of methods used depends upon the nature, scope, and complexity of services required by the city.

The first three methods listed above are based upon the consultants cost to perform the services and do not require a precise definition of scope of services, unless a ceiling is superimposed upon the total contract amount.

The last two methods are based upon a specific scope of services to be provided and do require that the project scope be well defined prior to final negotiations.

The following is a more detailed discussion of each of the above compensation options:

### ***Salary Cost Times a Multiplier Plus Direct Non-salary Expenses***

This is a frequently used method for compensation for professional services. It is particularly applicable to projects in which the scope of services is not well defined, although it is also widely used for projects where the scope of services is well defined.

Salary cost is defined as direct salaries plus fringe benefits such as sick leave, vacation, holiday pay, unemployment taxes, social security, workmans compensation insurance, etc.

With this method, charges for professional services are based mainly on salaries of the staff involved. The city should therefore be given the salary or salary range of the staff proposed for the project, as well as the time period before these salaries might increase.

The city may review the multiplier to reach salary cost, but has no negotiation range if calculated correctly. This is a generally fixed multiplier on direct salary to reach salary cost.

However, the multiplier applied to the salary cost is a variable negotiable value. This multiplier compensates the professional for overhead expenses, contingencies, and profit.

The allowable direct expenses should be defined during the negotiations. These expenses might include the cost of a local project office; telephone; shipping; computer rental time; reproduction; and special project costs that can be identified.

### ***Per Diem***

The per diem method compensates the professional for a day's work on the project. This method might be applicable to studies and investigations where there is no well defined scope of services. This basis of compensation is also used to compensate professionals for expert witness services, specific consultations or presentations, and work of a short-term nature, such as completion and presentation of grant applications.

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In addition to the per diem rate, the professional is normally reimbursed for travel and subsistence while away from the firm's office.

### ***Cost Plus Fixed Fee***

Under this method the professional is basically reimbursed for all costs of service plus a fixed fee to cover profit.

The cost of service includes the salary costs and overhead previously discussed, and all non-salary direct expenses. The fixed fee amount varies with the size of the project, complexity of the project, and scope of services to be provided. The fixed fee should not be related to the project construction cost but rather to the complexity of the work and the risk to the consultant should unforeseen difficulties or regulations arise that would affect the services to be provided, such as a delay to prepare an Environmental Impact Statement (EIS) or respond to EIS conditions.

This method permits the professional to proceed with a project before a detailed scope of services has been developed, or where it is difficult to project the full scope of services that might be required.

### ***Lump Sum***

The lump sum method is often used to compensate professionals for investigations and studies, or for basic design services, such as street or sidewalk replacement or repair, where the scope and complexity are clearly defined.

A lump sum agreement should state the exact service to be provided within a specific time frame, and when the lump sum payment is to be made. Occasionally the professional can defer receipt of payment until the proposed project financing is completed.

The lump sum may also be paid in installments as the work proceeds.

### ***Percentage of Construction Cost***

Although frequently used in the 40s through the 60s, this method of payment is now infrequently used because the relationship between the professional's costs and project construction costs may vary greatly. This method is based upon engineering experience over a long period of time to establish approximate correlations between engineering costs and construction costs for certain types of engineering projects. These correlations resulted in various curves which were widely used. However, the complexity of today's engineering projects is so different than those projects used to develop these correlation curves, that the curves now only can provide a guide, based upon past experience, to negotiate proper consultant compensation.

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### *Summary*

If the selection process has worked properly, the city has selected the “most highly qualified firm.” This firm and the city should closely redefine the project and detail the scope of services to be provided by both the consultant and the city. The definition of the services should include personnel to be used, schedules of work, time frames for various work completion, and different compensation methods.

The selected firm may offer a compensation method based upon that firm’s past experience on similar projects. The city should contact other municipalities having had similar projects and learn from their compensation methods. Jointly, the best compensation method or combination of methods should be negotiated.

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# Contract for Professional Services



## ■ Approach

Upon conclusion, and during the negotiation process, the terms of the contract with the professional consultant should be clearly expressed in a written document before the authorization to proceed is given.

Many different forms of contracts are presently in use. The city or the selected professional firm might have a standard form that they prefer to use. If this is the case, the suggested form should be discussed early in the negotiations to permit time for each party to understand the desired format and the suggested standard wording in each section.

For contracts involving federal or state grants or loans, many contractual provisions are mandated by federal or state laws and policies.

## ■ Basic Elements of the Contract

The agreement or contract with the professional firm, should contain, at a minimum, the following elements:

- Effective Date of Contract
- Names and Descriptions of Parties Involved
- Name of Project
- Description of Project
- Specific Services to be Provided by the Consultant
- Specific Services to be Provided by the City
- Schedule of Work
- Official Start Date
- Official Milestone Dates and Completion Dates
- Listing of Consultants Key Personnel (*Optional*)
- Listing of Subcontractors or Affiliated Consultants
- Payment Procedures
- Retainage (*Optional*)
- Wage Increases (*Optional*)
- Provisions for Changes in Scope of Consultant Services
- Suspension of Work
- Dispute Resolution
- Termination of Contract
- Insurance to be Provided by Consultant



- 
- Ownership of Contract Work Products
  - Authorized Signatures

Most professional service contracts refer to the professional as the “Consultant,” and the municipality as the “City.” We shall use these references in the following discussion of basic contract elements.

### ***Effective Date of Contract***

In the negotiation and final execution of a professional services’ contract several parties must sign and date the contract. Often, the official start date, discussed in item 8, is different than the effective date of the contract.

Rather than confuse the issue of contract date, designate an effective date of the contract in the initial paragraph, such as:

This Contract for professional services made this \_\_\_ day of \_\_\_\_\_, 199\_\_\_ by and between . . .

This effective date is usually the date the contract is approved by the City.

### ***Names and Descriptions of Parties Involved***

Continue in the initial paragraph to state the parties involved, such as:

This Contract for professional services made this \_\_\_ day of \_\_\_\_\_, 199\_\_\_ by and between the City of \_\_\_\_\_ acting through its (title of official), who is duly authorized so to act in or on behalf of the City, hereinafter called the CITY, and (consultant firm), a (partnership/corporation/individual), hereinafter called the CONSULTANT.

### ***Name of Project***

In the next paragraph add the name of the project, such as:

Whereas, the CITY desires to construct the (name of project).

### ***Description of Project***

Continue with a brief description of the services to be provided, such as:

Whereas, the CITY desires to construct the (name of project) and desires the CONSULTANT to furnish (report/design/construction inspection) services . . .

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### ***Specific Services to be Provided by the Consultant***

Describe in detail the services to be provided, or refer to an attached exhibit listing the detailed services being contracted for, such as:

Whereas, the CITY desires to construct the (name of project) and desires the CONSULTANT to furnish (report/design/construction inspection) services consisting of . . . as defined in attached Exhibit A.

### ***Specific Responsibilities and Services to be Provided by the City***

If the city agreed to provide any services, permits, or data to the consultant, those services should be listed in the contract or referred to as an attached exhibit to the contract.

### ***Schedule of Work***

A contract should include a schedule of work to be performed with established milestone dates and completion dates for both the benefit of the city and the consultant. Rather than have the consultant or the city be critical of the other party for lack of anticipated performance, a well-defined schedule of work assures both parties that the consultant is or is not performing as scheduled.

A calendar bar chart of scheduled duties is usually adequate to establish milestone and completion dates. However, on complex projects a critical path schedule may be necessary to assure that both the city and the consultant meet their schedule of performance and approval dates.

Milestones are clearly defined and verifiable key events, products, or designs that might need approval before proceeding further. If milestones are well defined, both the city and the consultant understand if the work is on schedule.

The schedule, with its milestones, can be another exhibit attached to the contract.

### ***Official Start Date***

Occasionally, due to funding, or other delays, the consultant may not be able to commence work upon the signing of the contract by the city. In this situation, the contract should include an official start date, such as:

Whereas, Exhibit \_\_, attached to and made a part of this contract, projects a schedule of work activities, the official start of the CONSULTANT'S duties shall be the \_\_ day of \_\_\_\_\_, 199\_\_.

An optional start date might be established as say, 15 days after the effective date of the contract, or upon receipt of Notice To Proceed.

The issuance of a Notice To Proceed is an effective way of establishing the official start date.

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### ***Official Milestone Dates and Completion Dates***

If the city has the need for the early completion of specific consultant duties, say for example, the need to have specific pumping station designs and locations completed in order to start acquisition of needed private property, the dates for completion of these specific milestones might be negotiated with the consultant and be added to the contract as another attached exhibit.

### ***Listing of Consultants Key Personnel (Optional)***

Often the names of the key personnel are made part of the contract, with the provision that the consultant may not substitute key personnel without written permission of the city. If the city conducted oral interviews and met the key personnel in the selection and negotiation process, it assessed personnel qualifications and has the right to expect those personnel to remain on the project subject to mutually agreed upon substitutions.

### ***Listing of Subcontractors or Affiliated Consultants***

The contract, for the protection of the city, should provide that the consultant may not substitute, or add, subcontractors without the written approval of the city. The experience and qualifications of new subcontractors should be reviewed by the city prior to approval.

### ***Payment Procedures***

The method of payment, developed during negotiations, should be clearly stated, and include:

- Payment frequency
- Period of month for submittal of invoice
- Invoice form
- Submittals with payment request, such as subcontractor invoices, critical path schedules, etc.
- Special conditions imposed by federal or state agencies for reporting or record keeping
- Approval procedures
- Period between submittal and payment
- Retainage until completion of contract (*Optional*)

### ***Retainage (Optional)***

Retainage provides the city with a margin of protection in the event the project does not come to a successful completion, or if there are errors or omissions in the final product which need to be corrected.

Although required by state statutes for construction contracts, it is not commonly applied to consultant contracts, since their reimbursement is for services already rendered.

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### ***Wage Increases (Optional)***

On long-term projects, covering several years, the contract might include provision for the increase in wages of the consultant's staff. Contracts based upon either the "salary cost times a multiplier plus direct non-salary expenses," or "cost plus a fixed fee" adjust for wage increases, but the city and the consultant might negotiate a ceiling on these increases during the life of the contract.

### ***Provisions for Changes in Scope of Consultant Services***

Although not anticipated, the contract should permit changes in the scope of services requested from the consultant, to either add additional duties, or delete unneeded duties. For example, the contract might provide:

The CONSULTANT agrees to perform those services which are described hereafter. Unless modified in writing and agreed to by both parties, the duties of the CONSULTANT shall not be construed to exceed those services. The CITY and the CONSULTANT agree that if additional duties are to be performed by the CONSULTANT in the prosecution of this work, the CONSULTANT shall submit an additional or supplemental work program and be compensated on the same terms as this contract has previously stated, or in a manner mutually agreed upon by both parties.

or:

The CITY, may from time to time, require changes or modifications in the Scope of Work to be performed hereunder. Such changes, including any decrease or increase in the amount of compensation therefore, which are mutually agreed upon by the CITY and the CONSULTANT shall be incorporated in written amendments to this contract.

### ***Suspension of Work***

Should unanticipated problems arise, provisions should be made to suspend all or portions of the work program. For example:

The CITY may suspend, in writing, all or a portion of the work under this Contract in the event that unforeseen circumstances beyond the control of the CITY make normal progress of the work program impossible. The CONSULTANT may request that the work be suspended by notifying the CITY, in writing, of circumstances which interfere with the normal progress of the work program. The time for completion shall be extended by the same number of days the work is suspended. In the event that the suspension period exceeds (120) days the terms of this Contract may be renegotiated at the request of either party. Both parties are granted the option to terminate the suspended portion of the work program specified herein if renegotiations cannot be agreed upon.

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## ***Dispute Resolution***

All contracts should include clauses for dispute resolution. Because court litigation is generally the most expensive and time consuming option, inclusion of specific clauses concerning mediation or arbitration, or a hybrid of those two forms, is advisable. The options include:

**Mediation** - A meeting between the parties, with the assistance of a trained, experienced mediator, to discuss settlement. Typically the mediator will meet with both sides for a joint discussion, then meet separately with each side, and continue the separate discussions until resolution, or acceptance by the parties that resolution by agreement is not possible.

**Arbitration (Binding)** - An arbitration is more adversarial. Each party to the contract presents their arguments to a trained and experienced arbitrator, who then makes a decision. The contract can contain language that the decision of an arbitrator is binding, and not appealable to any court of law.

**Med-Arb** - Mediation and arbitration are sometimes combined in a hybrid process known as "med-arb". In a med-arb process, the parties first try to mediate the dispute, and then, if mediation is unsuccessful, agree to arbitrate.

Sample mediation and arbitration clauses are available from regional and national organizations which specialize in mediation and arbitration. City attorneys should also be able to provide sample contract clauses, along with advice concerning the advantages of the various dispute resolution alternatives. All such clauses should be as specific as possible, and should include provisions:

- (1) Naming the arbitration or mediation organization which will be used, or establishing how a mediator or arbitrator will be selected;
- (2) Providing time limitations for scheduling mediation or arbitration;
- (3) If the arbitration format is chosen, the language should indicate whether there is any right to a legal appeal from the decision of the arbitrator.

It is also advisable to include a clause indicating that parties to the contract shall make best efforts to resolve disputes quickly among themselves before seeking a more formal option, such as mediation or arbitration.

## ***Termination of Contract***

The right of either party to terminate the contract, prior to completion, should be clearly stated. The justification for such a possibility is that to properly complete the professional services desired, both parties must have mutual confidence and respect for the others responsibilities. The termination clause frequently provides that either party may terminate the contract by providing appropriate notification of a stated time period to the other. The payment procedures, should termination be needed, should be clearly specified and understood by both parties.

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For the protection of both parties, a termination procedure should be provided, such as:

The CITY may terminate all or a portion of the work program in this Contract for its convenience. Either the CITY or the CONSULTANT may terminate the work in the event that the other party fails to perform in accordance with the provisions of this Contract. Termination of this Contract is accomplished by providing (20) days written notice to the other party.

In the event of termination, the CONSULTANT shall perform such additional work as necessary for the orderly closing of the work program, as jointly agreed upon by both parties.

The CONSULTANT shall be compensated on the basis of the work performed prior to the date of termination, plus the work required for an orderly closure of the project.

### ***Insurance to be Provided by Consultant***

There are two specific forms of insurance to consider, namely; errors and omissions, and liability insurance.

The errors and omission insurance provides protection to the city and the consultant should the consultant make an error in the work product. One of the considerations that a city must make when determining to contract for professional services is the importance of the firms having errors and omission insurance coverage. In some cases, it may not be a very important factor and the city may award a contract to a firm that does not have such coverage, or has it in a total amount less than desired by the city. In other instances, the city may want to limit their consideration to firms that are able to obtain such coverage and in the limits desired by the city, even if it reduces the field of potential firms to the larger-sized consulting firms. This is a policy decision to be made for each project.

The liability insurance protects the consultant and the city from claims arising from injury to individuals resulting from the activities of the consultant in the performance of the work program.

For example:

The CONSULTANT agrees to indemnify, defend, and hold harmless the CITY, its appointed and elective officers and employees, from and against all loss and expense, including attorney's fees and costs by reason of any and all claims and demands upon the CITY, its elected and appointed officers and employees from damages sustained by a person or persons, arising out of or in consequence of the CONSULTANT'S and its agents' negligent performance of work associated with this agreement. The CONSULTANT shall not be liable for property and bodily injury that may result from the negligence of any construction contractor or construction subcontractor.

The CONSULTANT shall maintain during the life of this Contract the following minimum insurance:

- 
1. Comprehensive general liability insurance, including personal injury liability, blanket contractual liability, and broad form property damage liability coverage. The combined single limit for bodily injury and property damage shall be not less than \$\_\_\_\_.\*
  2. Automobile bodily injury and property damage liability insurance covering owned, non-owned, rented, and hired vehicles. The combined single limit for bodily injury and property damage shall be not less than \$\_\_\_\_.\*
  3. Statutory workers' compensation insurance and employer's liability insurance as required by state law.
  4. Professional liability insurance covering damages resulting from errors or omissions of the Consultant. The limit of liability shall be not less than \$\_\_\_\_.\*

\*The dollar amounts should reflect the level of exposure based upon the experience of the city. The amounts should be established by the risk manager or other qualified individual.

Prior to execution of this Contract the CONSULTANT shall file with the CITY evidence of the insurance coverage, and shall maintain said insurance in force for the life of this Contract.

### ***Ownership of Contract Work Products***

The ownership of design plans and specifications, reports, or other work products should be agreed upon during the negotiation process, so that all parties understand who will own and retain the original reports, plans, specifications, or other work products. Customarily, the consultant retains an ownership and property interest in the plans and specifications because his professional seal and reputation are part of the work product, and the work product is usually site specific. The city will retain copies for information and future reference in connection with the use of the completed project.

For example:

Reproducible copies of all field notes, reports, designs, drawings, and specifications prepared by the CONSULTANT, as provided under this Contract, shall be and do become the property of the CITY upon payment to the CONSULTANT his fees as set forth in this Contract.

It is understood that all plans, drawings, specifications, computer programs, technical reports, operating manuals, or other "Subject Data" furnished by the CONSULTANT pursuant to this Contract are instruments of his services in respect to the project, and that they are not intended to be represented to be suitable for use on any other project. Any reuse by the CITY or any other party without specific written verification or adaption by the CONSULTANT, will be at the risk of the party using the "Subject Data" without liability or legal exposure to the CONSULTANT. Any such

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verification or adaption will entitle the CONSULTANT to further compensation at rates to be agreed upon between the CONSULTANT and the party requesting verification or adaption.

***Authorized Signatures***

To insure that the contract is binding upon all parties, it is necessary that the contract be executed by those individuals authorized to represent the contractor, and by the City Official authorized by the City to execute such documents.



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## Appendix A



Examples of RFQs

## **City of Bellingham**

### **Bridge Inspection Services**

**Submittal Date: Sept. 15**

#### **BRIDGE INSPECTION SERVICES**

The City of Bellingham is soliciting Statements of Qualifications (SOQ) from consulting firms wishing to be considered for selection to provide State of Washington mandated bridge inspections. Included in the inspections will be the completion of the State of Washington Bridge Inspection Report Forms. There is a minimum of 33 structures ranging in length from a 686 foot structure with timber substructure and concrete deck panels, to a 31 foot box culvert.

Please submit four copies of your SOQ by 8:00 a. m. on September 15, 1993. These will be reviewed by a selection committee; finalists will be invited to appear before the committee. Please call the Department of Public Works at (206) 676-6850 to receive a copy of the consultant selection criteria, and copies of the SWIBS Inventory Coding Forms with detailed descriptions of each structure. Mail your SOQ to:

Gary D. Almy, City of Bellingham, Department of Public Works, 2221 Pacific Street, Bellingham, WA 98226.

GARY D. ALMY,  
Public Works Superintendent,  
Maintenance.

Dates of publication in the Seattle Daily Journal of Commerce, August 28 and 30, 1993.  
8/30(34282)

#### **FIRST PUBLICATION**

## **City of SeaTac**

### **Comprehensive Utilities Plan**

**Submittal Date: Nov. 2**

#### **CITY OF SEATAC REQUEST FOR LETTERS OF QUALIFICATION AND INTEREST FOR CONSULTANT SERVICES**

The City of SeaTac is soliciting statements of qualification from consulting firms or a team of consultant firms interested in preparing the City's Comprehensive Utilities Plan. The Comprehensive Utilities Plan shall consist of the following components:

- 1) A water comprehensive plan.
- 2) A sanitary sewer comprehensive plan.
- 3) A surface water management comprehensive plan.

A brief description and scope of work for this project may be obtained from the Public Works Department or by calling 878-9100.

Due to a heavy workload, the City Staff will not be able to give individual interviews or answer individual questions regarding this request. However, on October 20, 1993, at 10:00 am, in the City of SeaTac Council Chambers, staff will be available to answer questions regarding the proposal.

Three (3) complete copies of the statement of qualifications should be mailed or delivered to:

City of SeaTac, Attn: City Clerk, 19215 — 28th Ave. S., SeaTac, WA 98188.

Submittals must be received at City Hall no later than 5:00 pm on November 2, 1993.

Dates of publication in the Seattle Daily Journal of Commerce, October 5 and 12, 1993.  
10/12(35492)

#### **FIRST PUBLICATION**

## **City of Federal Way**

### **Request for RFQ**

#### **REQUEST FOR STATEMENT OF QUALIFICATIONS (RFQ) FOR SURFACE WATER MONITORING DESIGN SERVICES**

The Surface Water Management Division, Public Works Department of the City of Federal Way, Washington requests Statements of Qualification for professional services for the West Hylebos Water Quality Monitoring Network. These services are for the preparation of a surface water quantity and quality monitoring plan. Contact the Surface Water Management Division at (206) 661-4094 to obtain a copy of the complete Request for Qualifications. This work is to be done during the period of October, 1993 through March, 1994. The City will meet with a short-list of three to five of the most qualified consultants to discuss concepts and alternatives. A project proposal will be requested from the most qualified consultant as determined by the City as a result of this process.

Dates of publication in the Seattle Daily Journal of Commerce, August 11 and 18, 1993.  
8/18(33607)

#### **FIRST PUBLICATION**

## **Town of Skykomish**

### **Water Supply System Improvements**

**Submittal Date: Sept. 10**

The Town of Skykomish, in cooperation with the King County Planning and Community Development Division, is requesting statements of qualifications from engineering consultants for water supply system improvements. The project involves drilling of well, modifications to storage reservoir, and improvements to control systems. Specific services to be performed include engineering & design, preparation of bid specifications, contractor selection, and construction management.

To obtain a Request For Qualifications package, call the Town of Skykomish (a. m. hours only) at 677-2388, or call Dwight Van Vleet, King County Planning and Community Development, at 296-8696. The deadline for submittal is September 10, 1993.

Date of publication in the Seattle Daily Journal of Commerce, August 11, 1993.  
8/11(33606)

**FIRST PUBLICATION**

**City of  
Bellingham**

**Engineering Services  
Submittal Date, Oct. 15**

**ENGINEERING  
CONSULTANT SERVICES  
REQUEST FOR  
PROPOSALS**

The City of Bellingham requests interested consulting firms to submit proposals for providing right-of-way acquisition, environmental, and design engineering services for improvement to Bakerview Road from I-5 to Deemer Road.

The existing facility is a principal arterial comprised of a single lane in each direction with open ditches and minimum shoulders. The project is approximately 1.6 miles in length. The proposed improvements consist of pavement widening to include two lanes in each direction, left-turn lanes at intersections, a landscaped median, bicycle lanes, curbs & gutters, setback sidewalks, street lighting, and signalization.

Call the Bellingham Department of Public Works at (206) 676-6361 to receive a copy of the project information packet. Proposals will be accepted until 5:00 PM October 15, 1993. Proposals will be reviewed by a selection committee and finalists will be invited to appear before the committee to present a final proposal. Address proposals to Larry Leicht, P. E., City of Bellingham, 210 Lottie Street, Bellingham, WA 98225.

**LARRY A. LEICHT, P. E.,**  
Supervising Project Engineer.  
Date of publication in the Seattle Daily Journal of Commerce, September 2, 1993.  
**9/2(34434)**

**City of Burien**

**Professional  
Services Roster**

**Submittal Date: Sept. 7**

**REQUEST FOR  
STATEMENT OF  
QUALIFICATIONS  
FOR  
PROFESSIONAL  
MANAGEMENT,  
PERSONNEL,  
ARCHITECTURAL,  
TECHNICAL AND  
ENGINEERING SERVICES**

The new City of Burien is creating a professional roster and is requesting specific Statements of Qualifications for management, technical, feasibility study, architectural and engineering assistance in a variety of areas. The professional engineers, architects, management, personnel, and technical individuals or firms will assist or perform the following:

**1) PLAN REVIEW SERVICES**

Provide architectural and engineering services throughout the City's plan review process including but not limited to the review of SEPA checklists, subdivision applications, and building permits, and attendance at predevelopment and preconstruction meetings. Specific services include:

A) Traffic and circulation studies including trails and pedestrian ways.

B) Surface water management reviews.

C) Slope and sensitive area analysis.

D) Noise impact analysis.

E) Structural engineering and building condition analysis.

F) Street, intersection, sidewalk, and drainage improvement inspections.

G) Historic preservation.

**2) GENERAL ENGINEERING SERVICES — SERVING AS CITY ENGINEER**

Serve as the City Engineer or Interim City Engineer to perform day-to-day general assistance and represent the City in that capacity including development and implementation of the annual public works department work program and budget. Additional duties may include review of Citizen Action Requests including the evaluation, design, and engineering of specific solutions. Other services could include; special studies, evaluations, facility analyses, and other technical services as may be required; the preparation of State and Federal grant applications including budget and narrative preparations; and the development and implementation of impact fee ordinance(s). Specific assignments might be the review and revision of the current Capital Facilities Plans including: development of criteria for the evaluation of existing and future capital projects; evaluation of capital projects previously identified; and the design of specific projects as assigned including street and intersection improvements, stormwater drainage, and other general municipal public improvements.

**3) GENERAL FEASIBILITY AND MANAGEMENT STUDIES**

Conduct feasibility studies and needs assessments addressing management, personnel, public works, parks and recreation, human services, and community facilities such as cost-benefit analysis, service level standards, and management work programs for delivery of services.

Specific management or feasibility studies might include:

A. An assessment of community center operations and costs, program preparation for center operation, and management and staffing plan.

B. The analysis of public works service delivery and contracts, including cost benefit analysis.

C. Human resources or organization analysis such as position analysis, position specifications preparation, and work force planning.

**SPECIFICATION**

The selection of the consultants, firms, or individuals and all contractual agreements made in association with these services will be subject to the provisions of all applicable laws and ordinances regarding affirmative action, equal employment opportunity, disabilities, and utilization of women's business enterprises (WBEs) and minority business enterprises (MBEs).

Firms and Individuals should submit no more than three copies of a Statement of Qualifications responding to the following:

1) Identify the specific areas by number and service as listed above for which you would like to be considered.

2) Identify individual(s) responsible for each service and provide individual's resume.

3) Identify individual in charge of any contractual arrangement, i. e., Project or Contract Manager.

4) Identify proposed basis for fees and charges as appropriate with hourly rates of individuals that could be assigned. The actual fee will be negotiated after selection of the successful applicant(s).

5) Provide a general background statement emphasizing work similar to that requested.

6) Provide four (4) references.

Architects and engineers should include GSA Standard Form 254 and 255.

Responses should be limited to no more than ten (10) pages, not including individual resumes or GSA Forms 254-255.

Please submit three (3) copies of your statement by 5:00 pm, Tuesday, September 7, 1993, to:

Office of the City Manager,  
Attn.: City Clerk, City of  
Burien, 13838 1st Avenue  
South, Burien, WA 98168.

Dates of publication in the Seattle Daily Journal of Commerce, August 27 and 30, 1993.  
**8/30(34245)**

## Consultant Services

Items found here are a variety of consultant services. See the Seattle City Notice Section for other possible consultant services.

### FIRST PUBLICATION

## City of Issaquah Professional Services Roster

Submittal Date, Jan. 31, 1992

The City of Issaquah (pursuant to Chapter 61, Laws 1981) is soliciting statements of qualifications and performance information from firms interested in providing professional engineering, architectural, and land surveying services for the period from January, 1992 through December, 1992 in conjunction with City-sponsored projects. Typical projects include, but are not limited to: comprehensive utility plans, storm drainage analysis and design, water system analysis and design, sanitary sewer system analysis and design, transportation planning, traffic engineering, street design, traffic signal design, trail planning and design, geotechnical engineering, environmental analysis including sensitive areas identification, wetlands identification, noise, air and water quality analysis, topographic surveying, boundary surveys, facilities planning and design, mechanical systems planning and design and electrical systems planning and design.

These qualifications and performance statements will be reviewed and placed on file for the remainder of 1992 and will be used as a source from which to select one or more qualified firms from whom a detailed proposal will be requested for any specific project. Those firms who have statements on file for the 1991 calendar year should only respond with a request for their statement of interest to be renewed for the calendar year 1992, along with any pertinent amendments to their statement of qualifications. The format of the statement of qualifications is left to the discretion of the submitter. Submittals should not exceed twenty (20) pages. Please submit only one (1) statement of qualifications.

Minority and women-owned firms are encouraged to submit statements. Questions regarding this solicitation should be directed to the Engineering Manager, City of Issaquah Public Works Dept., at 391-1004. Response of interested firms is requested no later than January 31, 1992.

Dates of publication in the Seattle Daily Journal of Commerce, December 16 and 18, 1991.  
12/18(11894)

### FIRST PUBLICATION

## City of Oak Harbor

E/A Services

Submittal Date: Feb. 1, 1992

### PUBLIC NOTICE SOLICITATION OF ENGINEERING & ARCHITECTURAL SERVICES

The City of Oak Harbor (pursuant to Chapter 61, Laws 1981) is soliciting statements of qualifications and performance data from engineering and/or architectural firms for providing general engineering and survey services for sanitary sewer systems, storm drainage, water distribution systems, streets, park master use plans and improvements, marina facilities and a marina comprehensive plan, public buildings, public works maintenance and operation facility, traffic signalization operation and maintenance, electrical system design, and landfill reclamation, for the 1992 calendar year. These qualifications and performance data will be placed on file and will be used as a source from which to select one or more qualified firms from whom a detailed proposal will be requested for any specific project. All submittals must be received no later than February 1, 1992. Areas of expertise are to be clearly spelled out in the cover letter to facilitate data entry. Statements of qualifications should be directed to the City Supervisor, 3075 - 300 Avenue West, Oak Harbor, Washington 98277.

PAT NEVINS,  
City Supervisor.

Dates of publication in the Seattle Daily Journal of Commerce, December 16 and 17, 1991.  
12/17(11895)

### FIRST PUBLICATION

## City of Everett

1990 Consultant Roster

Response Date, Dec. 15

### CITY OF EVERETT NOTICE TO CONSULTANTS

In conformance with RCW 39.80.030(2) and RCW 39.80.040(1) the City of Everett Parks and Recreation Department is soliciting consulting firms for miscellaneous projects to be undertaken in 1990. Interested firms must possess one or more of the following primary expertise: civil engineering, environmental services, geotechnical services, landscape architecture, comprehensive planning and design and golf course architecture.

Completion of a standardized "Consultant Qualification Questionnaire" will be required for interested firms to be considered for consulting services. The completed questionnaire will be the primary basis for evaluating qualifications. Respective firms may be contacted by telephone or letter for further qualifications regarding a specific project and may be asked to attend an interview.

The City of Everett assumes no obligations of any kind for expenses incurred by any party responding to this solicitation. Disadvantaged and Women Business Enterprises (DWBE) are encouraged to respond.

Forms can be received from the address listed below and all completed forms must be forwarded by certified mail to:

Cindi Pedersen, Project Assistant, Everett Parks and Recreation Department, 3002 Wetmore Avenue, Everett, Washington 98201.

The "Consultant Qualifications Questionnaire" must be sealed in an envelope and postmarked by certified mail no later than midnight, December 15, 1989. Hand delivered submittals will not be accepted. All questions regarding this solicitation should be directed to Cindi Pedersen, Project Assistant, (206) 259-0300.

Dates of publication in the Seattle Daily Journal of Commerce, November 8 and 9, 1989.  
(20979)

## City of Morton Engineering Svcs.

Submittal Date: March 12

### CITY OF MORTON REQUEST FOR QUALIFICATION DATA TO FURNISH ENGINEERING SERVICE

The City of Morton is inviting statements of qualifications and performance information from firms interested in providing professional engineering service for the remainder of the 1992 calendar year in conjunction with City sponsored projects. The main project for which engineering service is sought is the construction of a water filtration plant. Also stormwater management is a top priority concern with the City along with miscellaneous sewer projects.

Qualification and performance statements will be reviewed, placed on file for the remainder of 1992 and will be used as a source from which to select one or more qualified firms from whom a detailed proposal will be requested for any specific project.

Questions regarding this invitation should be directed to City of Morton, P. O. Box 1089, Morton, Washington 98356. Response of interested firms is requested no later than March 12, 1992.

Dates of publication in the Seattle Daily Journal of Commerce, February 13, 14 and 18, 1992. 2/18(13707)

## City of Monroe

### Consultant File

Submittal Date, Feb. 15

### CITY OF MONROE 1991 CONSULTING SERVICES

The City of Monroe is announcing its projected requirements for consulting services for the 1991 calendar year.

Typical fields of consulting services include, but may not be limited to:

1. Storm water system analysis and design;
2. Street system design;
3. Transportation master planning;
4. Geographic information systems;
5. Sanitary Sewer system analysis and design;
6. Boundary and topographic surveying services.

The submittal should include the following information:

1. Specify which of the above specific consulting fields your firm desires to perform;
2. Indicate consultant experience relative to the specific field of expertise;
3. Municipal references from past and present clients;
4. Name and background of key individuals your firm might propose to assign;
5. SF 254 and 255.

All resumes will be kept on file and used to select qualified consultants for each particular project, as the need arises. Due to the ongoing nature of the projects throughout the year, consultants not selected will not be notified.

All inquiries and resume submittals should be made by 4:00 p. m. February 15, 1991 to the City of Monroe, 806 West Main Street, Monroe, WA 98272, (206) 794-7400.

The City of Monroe is an equal opportunity employer, and all interested parties are encouraged to submit qualifications.

DOUGLAS J.  
JACOBSON, PE  
Director of Public Works.

Dates of publication in the Seattle Daily Journal of Commerce, January 25 and February 1, 1991. 2/1(950)

## FIRST PUBLICATION

## City of Federal Way

**Notice to Architects,  
Engineers and Surveyors**  
The City of Federal Way solicits interest from consulting firms whose practice includes one or more of the following specialties and who would like to be considered for projects:

### Architects

Civil Engineering/Streets  
and Storm Drainage  
Comprehensive Planning  
Construction Management  
Drafting Services  
Electrical Engineering  
Environmental Services  
Geotechnical Engineering  
Graphic Design  
Hydrogeologist  
Landscape Architecture  
Materials Testing  
Mechanical Engineering  
Pavement Analysis  
SEPA/EIS Analysis  
Solid Waste/Recycling  
Structural Engineering  
Surveying, Mapping, and  
Photogrammetry  
Traffic and Transportation  
Engineering  
Urban Design and Planning  
Utility Rate Studies  
Wetlands Analysis

Submittal of a completed U. S. Standard Form 254 and a standard company brochure will be a requirement in order for your firm to be considered on subsequent projects. Transmittals should clearly indicate the specialty areas for which consideration is sought. Your firm may be contacted by phone or by letter for further qualifications regarding a specific project.

The selection of a consultant for a specific project will be based on the following criteria areas: Key Personnel, Experience, Demonstrated Interest, Management Plan, Availability, Ability to Meet Schedule, Firm Size, Firm Location, Past Performance, In-House Expertise, Familiarity of Design Standards, Special Qualifications, Community Involvement, and Minority and Women Business Enterprise approach. The City encourages minority and women owned consultant firms to respond.

The City of Federal Way assumes no obligations of any kind for expenses incurred by any respondent to this solicitation.

A single copy of the required information should be sent to Director of Public Works, City of Federal Way, 33530 First Way South, Federal Way, Washington 98003. Any questions regarding this solicitation should be directed to Mary Barnes, 661-4144.

PHILIP D. KEIGHTLEY,  
Director of Public Works.

Dates of publication in the Seattle Daily Journal of Commerce, April 13 and 20, 1992.

4/20(15747)

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## Appendix B



Examples of Interview Rating Forms

**SAMPLE**

CITY OF \_\_\_\_\_

**CONSULTANT EVALUATION INTERVIEW FORM**

FIRM \_\_\_\_\_  
DATE \_\_\_\_\_  
INTERVIEWER \_\_\_\_\_

<u>Category</u>	<u>RATING</u>	<u>Weighting Factor</u>	<u>Total</u>
	(Poor to Good) 1 2 3 4 5 6 7 8 9 10		
Experience of firm in similar projects	_____	0.20	_____
Experience of Project Manager	_____	0.15	_____
Experience of principal staff	_____	0.10	_____
Firms' understanding of project	_____	0.20	_____
Firms' approach to project	_____	0.25	_____
Has project team worked together on other projects?	_____	0.05	_____
Will firm complete project on schedule - other projects on their work schedule?	_____	0.15	_____
Firms' change order record	_____	0.15	_____
Overall quality of presentation	_____	0.10	_____
Location of office where work will be performed	_____	0.05	_____
<b>GRAND TOTAL OF WEIGHTED POINTS</b>			_____

**SAMPLE**

**CITY OF \_\_\_\_\_**

**CONSULTANT EVALUATION MATRIX**

**Date:** \_\_\_\_\_

**PROJECT:** \_\_\_\_\_

**FIRM:** \_\_\_\_\_

<b>EVALUATION CRITERIA</b>	<b>PRIORITY WEIGHT</b>	<b>RATING 0-100%</b>	<b>WEIGHTED TOTAL</b>
<b>Proposal</b>	<b>0.166</b>	_____	_____
<b>Methodology</b>	<b>0.119</b>	_____	_____
<b>Staff Size</b>	<b>0.114</b>	_____	_____
<b>Time Schedule</b>	<b>0.157</b>	_____	_____
<b>Expertise</b>	<b>0.173</b>	_____	_____
<b>Similar Projects</b>	<b>0.157</b>	_____	_____
<b>Innovation/Approach</b>	<b>0.114</b>	_____	_____
<b>GRAND TOTAL</b>			_____

**INSTRUCTIONS:** Rating, 0%-100%. Rate the proposal and firm with regard to each criteria on the basis that the best possible qualifications under each criteria would rank 100%.



**SELECTION CRITERIA  
STORMWATER MANAGEMENT STUDY  
TOWN OF CLYDE HILL, WASHINGTON**

Jan-22-92

Filled Out By:  
Date:

RATING #	RATING POINTS	RATING CRITERIA	COMMENTS
		Firm Name:	
		Address:	
		Contact Person:	
		Telephone #:	
		Fax #:	
		<b>MANAGEMENT CAPABILITIES &amp; EXPERIENCE:</b>	
1		Knowledge of Local Situation	
2		Have they ever submitted a Centennial grant before?	
3		Reputation of Firm	
4		Will they use outside consultant help?	
5		Relevant past municipal experience?	
		<b>APPROACH TO THE STUDY:</b>	
6		Have they ever done this type of work?	
7		# of completed projects that were similar in scope	

		<b>APPROACH TO THE STUDY: (Cont.)</b>	
		Inventory & Mapping Approach	
8		Computer modeling method	
9			
10		Ever help develop a stormwater management ordinance?	
11		Ever help develop a stormwater utility?	
12		Understanding of Town's objectives?	
		<b>PROPOSED WORK SCHEDULE</b>	
13		Does their schedule meet the Town's objectives?	
		<b>ASSIGNED STAFF</b>	
14		Did they specifically assign staff to the project?	
15		Qualifications and competence of key personnel	
16		# of staff available for our project	
		<b>OTHER INFORMATION:</b>	
17		Firm's location relative to Clyde Hill - Accessibility	
18		Current and anticipated work load in the office	
19		Was the proposal complete & well done?	
20		Overall feeling about the firm and its ability to produce	
		<b>:TOTAL SCORE</b>	

# REFERENCE CHECK SHEET

FIRM'S NAME:		DATE	
REFERENCES: (RELATED PROJECTS)			
XX	XXXX	Reference #1	Contact Person:
XX	XXXX	Type of project?	
R-1		Quality of their work	
R-2		Working relationship with client	
R-3		Accomplished work on time?	
R-4		Reference's rating	
XX			
XX			
:TOTAL #1			
XX	XXXX	Reference #2	Contact Person:
XX	XXXX	Type of project?	
R-5		Quality of their work	
R-6		Working relationship with client	
R-7		Accomplished work on time?	
R-8		Reference's rating	
XX			
:TOTAL #2			
:TOTAL SCORE			

# PERSONAL INTERVIEW SHEET

FIRM'S NAME:		Attendance	
PROJECT TEAM			
I-1	Ability to Communicate		
I-2	Their "confidence factor" to do the job		
I-3	Presentation and Attitude		
I-4	Qualifications and competence of key personnel		
I-5	# of staff available for our project		
OTHER INFORMATION:			
PROJECT COST		See Other Side	
I-6	Anticipated ability to do the job on time & w/in budget		
I-7	Overall feeling about the firm and its ability to produce		
I-8			

		COST INFORMATION:		
	\$ COST	Basic Study Elements	# of Hrs.	\$/Hr.
XX				
I-9		Basic Design Information		
I-10		Inventory of the Existing System		
I-11		Computer Modeling of the System		
I-12		Policy Alternatives & Recommendations		
I-13		Conformance with DOE Guidelines		
		TOTAL COST		



## CONSULTANT EVALUATION INTERVIEW FORM

FIRM: \_\_\_\_\_ INTERVIEWER: \_\_\_\_\_ DATE: \_\_\_\_\_

- \_\_\_\_ 1. What is the firm's understanding of the project?
- \_\_\_\_ 2. What experience does the firm have in projects similar to ours?
- \_\_\_\_ 3. What people will be assigned to this project?  
What is their specific experience on projects of a similar nature?  
Have they worked as a team before prior to this project?
- \_\_\_\_ 4. Can the firm successfully complete the project within the proposed schedule?
- \_\_\_\_ 5. What would be the general approach of the firm toward completing the project?
- \_\_\_\_ 6. If the firm is not located in Port Angeles, would they initially set up a temporary office in Port Angeles to minimize coordination problems? If not, how would they handle coordination and communication?
- \_\_\_\_ 7. What are the firm's strongest points relative to projects of this nature?
- \_\_\_\_ 8. What has been the firm's recent experience of bids meeting their estimates? What controls does the firm have to assure a successful bid?
- \_\_\_\_ 9. Who will be the project engineer or manager that we will deal with on the project?  
What position does this person have with the firm?  
How many years of experience in the fields relative to this project?  
Are they a good communicator?
- \_\_\_\_ 10. Are there any subconsultants? Who are they and what will their roles be? Have they worked with the prime before?
- \_\_\_\_ 11. Overall quality of the presentation? Do they know what they are talking about?  
Too smooth or just right?
- \_\_\_\_ General Comments:
- \_\_\_\_ Totals